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>>> "Hempel, Carrie L." <CHempel@law.uci.edu> 2/18/2010 2:58 PM >>>

To Whom it Concerns:

It is my understanding that Michigan is considering an amendment to its rules to allow law students to brief and argue appellate cases in Michigan state courts. As a clinical professor who has supervised student arguments in appellate courts for 15 years, I urge you to adopt such an amendment.

Before joining the University of California, Irvine School of Law I was a clinical professor for 15 years in the University of Southern California Law School's Post-Conviction Justice Project clinic. During that time, I supervised more than twenty students who argued on behalf of clinic clients in a California appellate court or a federal court of appeals. In every instance, students performed as well or better than most of the attorneys appearing before the court on the same hearing schedule. Also in virtually every case, at the conclusion of the argument, the judges hearing the appeal complimented the student on his or her outstanding representation of the client. In many cases, opposing counsel also complimented the student. Also in many instances, the clinic's client prevailed in the litigation (no small feat in cases seeking post-conviction relief).

In all cases, the clinic first obtained permission of the client and then the court for student argument. In only one case in 15 years did a court deny a clinic request for student argument, in a matter involving a claim of ineffective assistance of counsel. In preparing a student for an appellate argument, clinical faculty generally mooted the student 5 to 6 times, utilizing both law school faculty and stellar appellate lawyers in the community as judges.

Law school clinics generally take on work for clients who otherwise would not receive representation, and provide the highest quality legal assistance available. Adopting an appellate practice rule for law students will enable more Michigan citizens with worthy cases to have such representation.

Sincerely,

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